



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4224

Introduced 12/06/05, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-9
10 ILCS 5/18-5

from Ch. 46, par. 17-9
from Ch. 46, par. 18-5

Amends the Election Code. Requires that a person seeking to vote in person on election day present a government-issued photo identification to the election judge.

LRB094 15715 JAM 50925 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 17-9 and 18-5 as follows:

6 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

7 Sec. 17-9. Any person desiring to vote shall (i) present to
8 the judges of election for verification of the person's
9 identity his or her Illinois driver's license, his or her
10 non-driver identification card issued by the Illinois
11 Secretary of State, or another government-issued
12 identification document containing his or her photograph and
13 (ii) give his name and, if required to do so, his residence to
14 the judges of election, one of whom shall thereupon announce
15 the same in a loud and distinct tone of voice, clear, and
16 audible; the judges of elections shall check each application
17 for ballot against the list of voters registered in that
18 precinct to whom absentee or early ballots have been issued for
19 that election, which shall be provided by the election
20 authority and which list shall be available for inspection by
21 pollwatchers. A voter applying to vote in the precinct on
22 election day whose name appears on the list as having been
23 issued an absentee or early ballot shall not be permitted to
24 vote in the precinct. All applicable provisions of Articles 4,
25 5 or 6 shall be complied with and if such name is found on the
26 register of voters by the officer having charge thereof, he
27 shall likewise repeat said name, and the voter shall be allowed
28 to enter within the proximity of the voting booths, as above
29 provided. One of the judges shall give the voter one, and only
30 one of each ballot to be voted at the election, on the back of
31 which ballots such judge shall indorse his initials in such
32 manner that they may be seen when each such ballot is properly

1 folded, and the voter's name shall be immediately checked on
2 the register list. In those election jurisdictions where
3 perforated ballot cards are utilized of the type on which
4 write-in votes can be cast above the perforation, the election
5 authority shall provide a space both above and below the
6 perforation for the judge's initials, and the judge shall
7 endorse his or her initials in both spaces. Whenever a proposal
8 for a constitutional amendment or for the calling of a
9 constitutional convention is to be voted upon at the election,
10 the separate blue ballot or ballots pertaining thereto shall,
11 when being handed to the voter, be placed on top of the other
12 ballots to be voted at the election in such manner that the
13 legend appearing on the back thereof, as prescribed in Section
14 16-6 of this Act, shall be plainly visible to the voter. At all
15 elections, when a registry may be required, if the name of any
16 person so desiring to vote at such election is not found on the
17 register of voters, he or she shall not receive a ballot until
18 he or she shall have complied with the law prescribing the
19 manner and conditions of voting by unregistered voters. If any
20 person desiring to vote at any election shall be challenged, he
21 or she shall not receive a ballot until he or she shall have
22 established his right to vote in the manner provided
23 hereinafter; and if he or she shall be challenged after he has
24 received his ballot, he shall not be permitted to vote until he
25 or she has fully complied with such requirements of the law
26 upon being challenged. Besides the election officer, not more
27 than 2 voters in excess of the whole number of voting booths
28 provided shall be allowed within the proximity of the voting
29 booths at one time. The provisions of this Act, so far as they
30 require the registration of voters as a condition to their
31 being allowed to vote shall not apply to persons otherwise
32 entitled to vote, who are, at the time of the election, or at
33 any time within 60 days prior to such election have been
34 engaged in the military or naval service of the United States,
35 and who appear personally at the polling place on election day
36 and produce to the judges of election satisfactory evidence

1 thereof, but such persons, if otherwise qualified to vote,
2 shall be permitted to vote at such election without previous
3 registration.

4 All such persons shall also make an affidavit which shall
5 be in substantially the following form:

6 State of Illinois,)

7) ss.

8 County of)

9 Precinct Ward

10 I,, do solemnly swear (or affirm) that I am a citizen
11 of the United States, of the age of 18 years or over, and that
12 within the past 60 days prior to the date of this election at
13 which I am applying to vote, I have been engaged in the
14 (military or naval) service of the United States; and I am
15 qualified to vote under and by virtue of the Constitution and
16 laws of the State of Illinois, and that I am a legally
17 qualified voter of this precinct and ward except that I have,
18 because of such service, been unable to register as a voter;
19 that I now reside at (insert street and number, if any) in
20 this precinct and ward; that I have maintained a legal
21 residence in this precinct and ward for 30 days and in this
22 State 30 days next preceding this election.

23

24 Subscribed and sworn to before me on (insert date).

25

26 Judge of Election.

27 The affidavit of any such person shall be supported by the
28 affidavit of a resident and qualified voter of any such
29 precinct and ward, which affidavit shall be in substantially
30 the following form:

31 State of Illinois,)

32) ss.

33 County of)

34 Precinct Ward

35 I,, do solemnly swear (or affirm), that I am a

1 voters registered in that precinct to whom absentee and early
2 ballots have been issued for that election, which shall be
3 provided by the election authority and which list shall be
4 available for inspection by pollwatchers. A voter applying to
5 vote in the precinct on election day whose name appears on the
6 list as having been issued an absentee or early ballot shall
7 not be permitted to vote in the precinct. If such person so
8 registered shall be challenged as disqualified, the party
9 challenging shall assign his reasons therefor, and thereupon
10 one of the judges shall administer to him an oath to answer
11 questions, and if he shall take the oath he shall then be
12 questioned by the judge or judges touching such cause of
13 challenge, and touching any other cause of disqualification.
14 And he may also be questioned by the person challenging him in
15 regard to his qualifications and identity. But if a majority of
16 the judges are of the opinion that he is the person so
17 registered and a qualified voter, his vote shall then be
18 received accordingly. But if his vote be rejected by such
19 judges, such person may afterward produce and deliver an
20 affidavit to such judges, subscribed and sworn to by him before
21 one of the judges, in which it shall be stated how long he has
22 resided in such precinct, and state; that he is a citizen of
23 the United States, and is a duly qualified voter in such
24 precinct, and that he is the identical person so registered. In
25 addition to such an affidavit, the person so challenged shall
26 provide to the judges of election proof of residence by
27 producing 2 forms of identification showing the person's
28 current residence address, provided that such identification
29 to the person at his current residence address and postmarked
30 not earlier than 30 days prior to the date of the election, or
31 the person shall procure a witness personally known to the
32 judges of election, and resident in the precinct (or district),
33 or who shall be proved by some legal voter of such precinct or
34 district, known to the judges to be such, who shall take the
35 oath following, viz:

36 I do solemnly swear (or affirm) that I am a resident of

1 this election precinct (or district), and entitled to vote at
2 this election, and that I have been a resident of this State
3 for 30 days last past, and am well acquainted with the person
4 whose vote is now offered; that he is an actual and bona fide
5 resident of this election precinct (or district), and has
6 resided herein 30 days, and as I verily believe, in this State,
7 30 days next preceding this election.

8 The oath in each case may be administered by one of the
9 judges of election, or by any officer, resident in the precinct
10 or district, authorized by law to administer oaths. Also
11 supported by an affidavit by a registered voter residing in
12 such precinct, stating his own residence, and that he knows
13 such person; and that he does reside at the place mentioned and
14 has resided in such precinct and state for the length of time
15 as stated by such person, which shall be subscribed and sworn
16 to in the same way. Whereupon the vote of such person shall be
17 received, and entered as other votes. But such judges, having
18 charge of such registers, shall state in their respective books
19 the facts in such case, and the affidavits, so delivered to the
20 judges, shall be preserved and returned to the office of the
21 commissioners of election. Blank affidavits of the character
22 aforesaid shall be sent out to the judges of all the precincts,
23 and the judges of election shall furnish the same on demand and
24 administer the oaths without criticism. Such oaths, if
25 administered by any other officer than such judge of election,
26 shall not be received. Whenever a proposal for a constitutional
27 amendment or for the calling of a constitutional convention is
28 to be voted upon at the election, the separate blue ballot or
29 ballots pertaining thereto shall be placed on top of the other
30 ballots to be voted at the election in such manner that the
31 legend appearing on the back thereof, as prescribed in Section
32 16-6 of this Act, shall be plainly visible to the voter, and in
33 this fashion the ballots shall be handed to the voter by the
34 judge.

35 The voter shall, upon quitting the voting booth, deliver to
36 one of the judges of election all of the ballots, properly

1 folded, which he received. The judge of election to whom the
2 voter delivers his ballots shall not accept the same unless all
3 of the ballots given to the voter are returned by him. If a
4 voter delivers less than all of the ballots given to him, the
5 judge to whom the same are offered shall advise him in a voice
6 clearly audible to the other judges of election that the voter
7 must return the remainder of the ballots. The statement of the
8 judge to the voter shall clearly express the fact that the
9 voter is not required to vote such remaining ballots but that
10 whether or not he votes them he must fold and deliver them to
11 the judge. In making such statement the judge of election shall
12 not indicate by word, gesture or intonation of voice that the
13 unreturned ballots shall be voted in any particular manner. No
14 new voter shall be permitted to enter the voting booth of a
15 voter who has failed to deliver the total number of ballots
16 received by him until such voter has returned to the voting
17 booth pursuant to the judge's request and again quit the booth
18 with all of the ballots required to be returned by him. Upon
19 receipt of all such ballots the judges of election shall enter
20 the name of the voter, and his number, as above provided in
21 this Section, and the judge to whom the ballots are delivered
22 shall immediately put the ballots into the ballot box. If any
23 voter who has failed to deliver all the ballots received by him
24 refuses to return to the voting booth after being advised by
25 the judge of election as herein provided, the judge shall
26 inform the other judges of such refusal, and thereupon the
27 ballot or ballots returned to the judge shall be deposited in
28 the ballot box, the voter shall be permitted to depart from the
29 polling place, and a new voter shall be permitted to enter the
30 voting booth.

31 The judge of election who receives the ballot or ballots
32 from the voter shall announce the residence and name of such
33 voter in a loud voice. The judge shall put the ballot or
34 ballots received from the voter into the ballot box in the
35 presence of the voter and the judges of election, and in plain
36 view of the public. The judges having charge of such registers

1 shall then, in a column prepared thereon, in the same line of,
2 the name of the voter, mark "Voted" or the letter "V".

3 No judge of election shall accept from any voter less than
4 the full number of ballots received by such voter without first
5 advising the voter in the manner above provided of the
6 necessity of returning all of the ballots, nor shall any such
7 judge advise such voter in a manner contrary to that which is
8 herein permitted, or in any other manner violate the provisions
9 of this Section; provided, that the acceptance by a judge of
10 election of less than the full number of ballots delivered to a
11 voter who refuses to return to the voting booth after being
12 properly advised by such judge shall not be a violation of this
13 Section.

14 (Source: P.A. 94-645, eff. 8-22-05.)